

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

## Armed Forces Bank, N.A.,

Case No.: 2:13-cv-1996-JAD-CWH

Plaintiff,

V.

DFA, LLC et al,

## Defendants

## Order

On December 16, 2014, plaintiff filed four separate motions for summary judgment, and the court struck them as violations of Local Rules 7-4 and 10-3. Doc. 40. Plaintiff was given leave to file a rule-compliant motion. It did so, but plaintiff now asks for leave to file a three-page supplement to that motion to add omitted facts and law. Doc. 51.

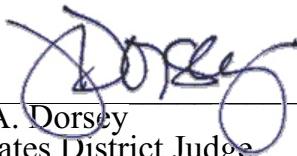
14 Plaintiff already had its first round of summary-judgment briefing stricken because its  
15 points were raised in a piecemeal fashion. *See* Doc. 40. Nevertheless, the court prefers to  
16 consider all relevant arguments in a single motion and not risk having plaintiff raise these  
17 new arguments in its reply brief, thereby depriving the defendants of the opportunity to  
18 respond. The request to supplement (Doc. 51) is granted in part: to permit plaintiff the  
19 opportunity to add this additional information, plaintiff's motion for summary judgment  
20 (Doc. 41) will be denied without prejudice to the filing of a new motion within 10 days that  
21 incorporates the supplemental information. Plaintiff is instructed that its motion must now  
22 incorporate this new information seamlessly into the facts and arguments, and plaintiff must  
23 also incorporate into this new filing any request for judicial notice (*see* Doc. 42) and explain  
24 how that request impacts the motion for summary judgment. Plaintiff is cautioned that  
25 further opportunities to refile this brief or supplement its summary-judgment arguments will  
26 be denied; accordingly, plaintiff should comply with all rules—particularly the 30-page-limit  
27 rule in L.R. 7-4 when submitting this new brief.

1       Because plaintiff will be refiling a new motion for summary judgment, the court will  
 2 disregard defendants' current 43-page response brief. Doc. 50. Defendants' motion to file  
 3 that 43-page brief (Doc. 49) is denied as moot. However, defendants are cautioned that the  
 4 court has reviewed the original motion for summary judgment and defendants' oversized  
 5 response and is not convinced that the response cannot be fully communicated in the 30  
 6 pages allowed by Rule 7-4, particularly when defendants have also filed their own, separate  
 7 motion for summary judgment. Accordingly, although the motion to file a 43-page response  
 8 brief is being denied as moot, defendants are cautioned that they should endeavor to file their  
 9 response in 30 pages or less because the court is not likely to permit a longer response.  
 10 Defendants are further cautioned that this is not a license to relegate substantive arguments in  
 11 their response into single-spaced footnotes with 10-point font. And because defendants will  
 12 have the opportunity to file a new opposition to plaintiff's anticipated refiled motion for  
 13 summary judgment, the stipulation extending the defendants' deadline to file their previous,  
 14 oversized response brief (Doc. 46) is also denied as moot.

15       Accordingly, IT IS HEREBY ORDERED that:

- 16       • Plaintiff's request to supplement (**Doc. 51**) is granted in part: plaintiff has 10  
       17 days to file a new motion for summary judgment; plaintiff's current motion for  
       18 summary judgment (**Doc. 41**) is therefore denied without prejudice.
- 19       • Defendants' current 43-page response brief (**Doc. 50**) will be disregarded;
- 20       • Defendants' motion to file that 43-page brief (**Doc. 49**) is denied as moot; and
- 21       • The stipulation extending the defendants' deadline to file their previous,  
       22 oversized response brief (**Doc. 46**) is also denied as moot.

23 DATED: January 27, 2015.



Jennifer A. Dorsey  
United States District Judge

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